

REMARKS

35 USC §103

All pending claims were rejected as being obvious over Morgenstern et al. (US 5839660, "Morgenstern") in view of McCabe et al., (US 6453216. "McCabe").

The applicant greatly appreciates the examiner's careful application of the cite art against the pending claims, in particular pointing out where Morgenstern addresses use of real-time data.

One point, however, that was not addressed is that the references that utilize real time data also require some sort of real-time sensors. Thus, in Morgenstern col. 2, lines 60-64, the applicants teaches that systems according to their invention comprise a host of local sensors (water gauge, wind sensor, and a temperature measuring device). These are not listed as optional sensors, or identified as sensors for preferred embodiments, but instead these are listed as necessary pieces of equipment. In other words, a fair reading of Morgenstern is that the model is only operable with input from local sensors.

McCabe is similar in that it requires local sensors. At column 10, lines 40-46, the applicants expressly state that the method of the invention "requires measurement of soil tension and/or moisture content." McCabe et al. apparently failed to appreciate that historical data and distal current data could be used (with optional input from local sensors) to calculate run times.

The present inventor appreciated that a regression model could be dependent entirely on historical and real time data that only optionally included data from local sensors. Thus, at page 4, lines 26-28, the application states "The microprocessor based central processing unit may have conventional interface hardware for receiving and interpreting of data or signals [from] such sensors." In contrast the prior art devices rely:

- 1) entirely upon a preset schedule;
- 2) upon a preset schedule as modified by local sensors;
- 3) entirely upon historical data, or
- 4) upon historical and current data, supplemented by local sensors.

No one in the prior art seems to have appreciated that a system can advantageously be operated entirely with historical data, and current data which is only optionally from a local source. That distinction is now expressly claimed.

REQUEST FOR ALLOWANCE

Claims 1-15 are pending in this application. The applicants request allowance of all pending claims.

Respectfully submitted,

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